



Sen. Daniel Biss

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09800SB0035sam004

LRB098 05472 JDS 43550 a

1 AMENDMENT TO SENATE BILL 35

2 AMENDMENT NO. _____. Amend Senate Bill 35, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, as follows:

5 on page 26, by replacing lines 13 through 15 with the
6 following:

7 "Assembly shall be 3% of the lesser of (1) the total annuity
8 payable at the time of the increase, including previous
9 increases granted, or (2) \$1,000 multiplied by the number of
10 years of creditable service upon which the annuity is based.";
11 and

12 on page 39, by replacing lines 14 through 16 with "available to
13 the System"; and

14 on page 39, by replacing line 19 with the following:

15 "It shall be the mandatory fiduciary obligation of the Board of

1 the System to bring that action if the State fails to pay in
2 the fiscal year the amount guaranteed under this subsection.
3 Before commencing that action, the Board shall submit a voucher
4 for monthly contributions as required in Section 2-124. If the
5 State fails to pay a vouchered amount within 90 days after
6 receiving a voucher for that amount, then the Board shall
7 submit a written request to the Comptroller seeking payment of
8 that amount. A copy of the request shall be filed with the
9 Secretary of State, and the Secretary of State shall provide
10 copies of the request to the Governor and General Assembly. No
11 earlier than the 16th day after filing a request with the
12 Secretary, but no later than the 21st day after filing that
13 request, the Board may commence such an action in the Circuit
14 Court. If the Board fails to commence such action on or before
15 the 21st day after filing the request with the Secretary of
16 State, then any participant or annuitant may file a mandamus
17 action against the Board to compel the Board to commence its
18 mandamus action against the State. This Section constitutes an
19 express waiver of the State's sovereign immunity. In ordering
20 the State to make the required payment, the court may order a
21 reasonable payment schedule to enable the State to make the
22 required payment. The obligations and causes of action created
23 under this subsection shall be in addition to any other right
24 or remedy otherwise accorded by common law, or State or federal
25 law, and nothing in this subsection shall be construed to deny,
26 abrogate, impair, or waive any such common law or statutory

1 right or remedy.

2 Any payments required to be made by the State pursuant to";

3 and

4 on page 81, by replacing lines 10 through 13 with the
5 following:

6 "Assembly shall be 3% of the lesser of (1) the total annuity
7 payable at the time of the increase, including previous
8 increases granted or (2) \$800 (\$1,000 if the annuity is based
9 primarily upon service as a noncovered employee) multiplied by
10 the number of years of creditable service upon which the
11 annuity is based."; and

12 on page 96, by replacing lines 19 through 21 with "available to
13 the System"; and

14 on page 96, by replacing line 24 with the following:

15 "It shall be the mandatory fiduciary obligation of the Board of
16 the System to bring that action if the State fails to pay in
17 the fiscal year the amount guaranteed under this subsection.
18 Before commencing that action, the Board shall submit a voucher
19 for monthly contributions as required in Section 14-131. If the
20 State fails to pay a vouchered amount within 90 days after
21 receiving a voucher for that amount, then the Board shall
22 submit a written request to the Comptroller seeking payment of
23 that amount. A copy of the request shall be filed with the

1 Secretary of State, and the Secretary of State shall provide
2 copies of the request to the Governor and General Assembly. No
3 earlier than the 16th day after filing a request with the
4 Secretary, but no later than the 21st day after filing that
5 request, the Board may commence such an action in the Circuit
6 Court. If the Board fails to commence such action on or before
7 the 21st day after filing the request with the Secretary of
8 State, then any participant or annuitant may file a mandamus
9 action against the Board to compel the Board to commence its
10 mandamus action against the State. This Section constitutes an
11 express waiver of the State's sovereign immunity. In ordering
12 the State to make the required payment, the court may order a
13 reasonable payment schedule to enable the State to make the
14 required payment. The obligations and causes of action created
15 under this subsection shall be in addition to any other right
16 or remedy otherwise accorded by common law, or State or federal
17 law, and nothing in this subsection shall be construed to deny,
18 abrogate, impair, or waive any such common law or statutory
19 right or remedy.

20 Any payments required to be made by the State pursuant to";
21 and

22 on page 122, by replacing lines 24 through 26 with the
23 following:

24 "Assembly shall be 3% of the lesser of (1) the total annuity
25 payable at the time of the increase, including previous

1 increases granted or (2) \$1,000 multiplied by the number of
2 years of creditable service upon which the annuity is based.";
3 and

4 on page 145, by replacing lines 7 through 9 with "available to
5 the System"; and

6 on page 145, by replacing line 12 with the following:

7 "It shall be the mandatory fiduciary obligation of the Board of
8 the System to bring that action if the State fails to pay in
9 the fiscal year the amount guaranteed under this subsection.
10 Before commencing that action, the Board shall submit a voucher
11 for monthly contributions as required in Section 15-155. If the
12 State fails to pay a vouchered amount within 90 days after
13 receiving a voucher for that amount, then the Board shall
14 submit a written request to the Comptroller seeking payment of
15 that amount. A copy of the request shall be filed with the
16 Secretary of State, and the Secretary of State shall provide
17 copies of the request to the Governor and General Assembly. No
18 earlier than the 16th day after filing a request with the
19 Secretary, but no later than the 21st day after filing that
20 request, the Board may commence such an action in the Circuit
21 Court. If the Board fails to commence such action on or before
22 the 21st day after filing the request with the Secretary of
23 State, then any participant or annuitant may file a mandamus
24 action against the Board to compel the Board to commence its

1 mandamus action against the State. This Section constitutes an
2 express waiver of the State's sovereign immunity. In ordering
3 the State to make the required payment, the court may order a
4 reasonable payment schedule to enable the State to make the
5 required payment. The obligations and causes of action created
6 under this subsection shall be in addition to any other right
7 or remedy otherwise accorded by common law, or State or federal
8 law, and nothing in this subsection shall be construed to deny,
9 abrogate, impair, or waive any such common law or statutory
10 right or remedy.

11 Any payments required to be made by the State pursuant to";

12 and

13 on page 177, by replacing lines 3 through 5 with the following:
14 "Assembly shall be 3% of the lesser of (1) the total annuity
15 payable at the time of the increase, including previous
16 increases granted or (2) \$1,000 multiplied by the number of
17 years of creditable service upon which the annuity is based.";

18 and

19 on page 210, by replacing lines 2 through 4 with "available to
20 the System"; and

21 on page 210, by replacing line 7 with the following:

22 "It shall be the mandatory fiduciary obligation of the Board of
23 the System to bring that action if the State fails to pay in
24 the fiscal year the amount guaranteed under this Section.

1 Before commencing that action, the Board shall submit a voucher
2 for monthly contributions as required in Section 16-158. If the
3 State fails to pay a vouchered amount within 90 days after
4 receiving a voucher for that amount, then the Board shall
5 submit a written request to the Comptroller seeking payment of
6 that amount. A copy of the request shall be filed with the
7 Secretary of State, and the Secretary of State shall provide
8 copies of the request to the Governor and General Assembly. No
9 earlier than the 16th day after filing a request with the
10 Secretary, but no later than the 21st day after filing that
11 request, the Board may commence such an action in the Circuit
12 Court. If the Board fails to commence such action on or before
13 the 21st day after filing the request with the Secretary of
14 State, then any participant or annuitant may file a mandamus
15 action against the Board to compel the Board to commence its
16 mandamus action against the State. This Section constitutes an
17 express waiver of the State's sovereign immunity. In ordering
18 the State to make the required payment, the court may order a
19 reasonable payment schedule to enable the State to make the
20 required payment. The obligations and causes of action created
21 under this subsection shall be in addition to any other right
22 or remedy otherwise accorded by common law, or State or federal
23 law, and nothing in this Section shall be construed to deny,
24 abrogate, impair, or waive any such common law or statutory
25 right or remedy.

26 Any payments required to be made by the State pursuant to".